

## REMARKS

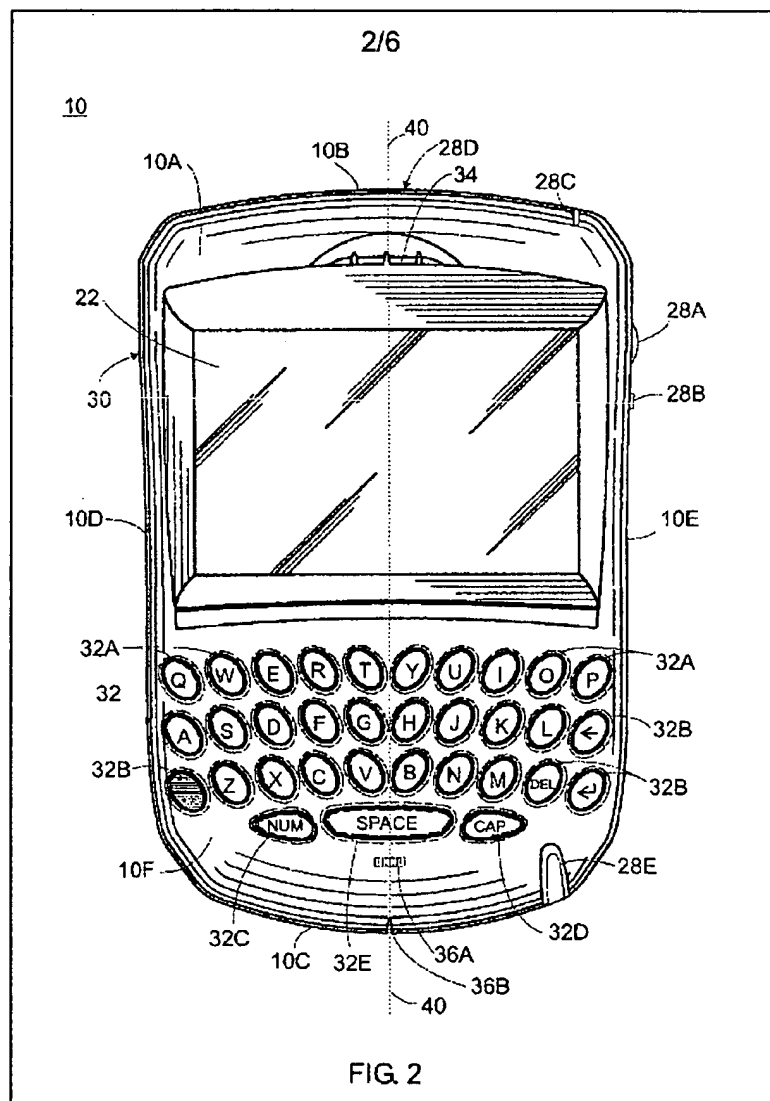
This Amendment responds to the Final Office Action dated January 30, 2004. A Request for Continuing Examination is transmitted herewith. Claims 44-45 and 47-93 remain in this application. A diligent effort has been made to respond to each of the rejections contained in the Office Action. It is believed that this Amendment overcomes those rejections and thus places this case in condition for allowance. Reconsideration is respectfully requested.

A. Claims 44-93 are Patentable Over The Cited Art

Claims 44-93 describe a dual mode mobile communication device that is capable of sending and receiving voice communications when operating in a voice communication mode and is also capable of sending and receiving data communications when operating in a data communication mode. The device includes *a single, integrated device housing having a front surface*. The claimed *single, integrated device housing* does not include two or more hinged housing sections, i.e., it is not a "clamshell" design as described in the Background section of this application. (See, Background, page 2) The device includes two interfaces, a voice communication interface and a data communication interface. The voice communication interface includes a speaker, a display and a microphone, and is used for operating in the voice mode, e.g., by placing a phone call. The data communication interface includes the same display as the voice communication interface and also includes a QWERTY-style keyboard for typing data into the device. The QWERTY keyboard is positioned within the front surface of the claimed *single, integrated device housing*. The data communication mode is used for sending text messages, e.g., an email message. The voice and data communication interfaces are configured in the device housing such that the speaker is positioned at the top of the device

housing, the display is positioned below the speaker and the QWERTY keyboard and the microphone are positioned below the display. The device is operable in either the voice mode or the data mode without reorienting the device.

Figure 2 of this patent application, set forth below, shows an embodiment of the invention as described in claim 44.



The device 10 shown in Figure 2 includes a **single, integrated housing 10A**. Note that this is not a "clamshell" design, i.e., there are no hinged sections that form part of the housing as

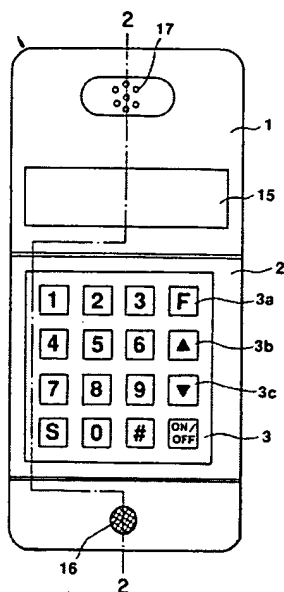
in the prior art devices discussed in the Background section of this application. Configured within this single, integrated housing are a speaker 34, a display 22, a QWERTY keyboard 32, and a microphone 36A (or 36B). The speaker 34 is positioned at the top of the device housing 10A, the display 22 is positioned below the speaker 34, and the QWERTY keyboard 32 and the microphone 36A (36B) are both positioned below the display. The device 10 can be operated in either voice or data modes without having to reorient the device housing. The phrase "without having to reorient the device housing" means that the device can be used in either voice or data communication modes without having to rotate the device or without having to open a hinged portion of the device as in the "clamshell" designs discussed in the Background section of the application.

In the most recent office action, the Examiner has once again relied upon two references that are "clamshell" designs in rejecting the claims of this application. These two references are Uchikura (US 5,337,346) and Siitonen (US 6,049,796). The Examiner rejected the pending claims as being obvious over Uchikura in view of Siitonen. Applicants strongly traverse these rejections. Once again, the Examiner is not considering the claim language at issue. Specifically, the Examiner is ignoring the **single, integrated device housing** limitation of the claims and also the claim language that states **the dual mode mobile communication device being operable in either the voice mode of operation or the data mode of operation without reorienting the device**. As established below, neither Uchikura or Siitonen include such a **single, integrated device housing**, and the devices described in both of these references must be reoriented in order to use the device in one or the other modes of operation. Thus, the combination of these two references does not disclose all of the limitations of claim 44 and therefore the rejections based on Uchikura and Siitonen must be withdrawn.

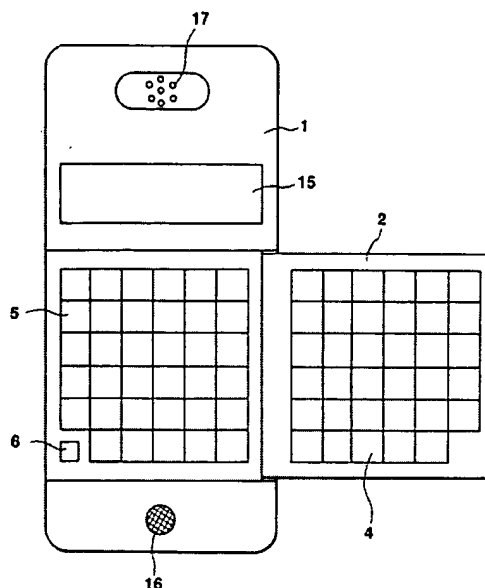
Even though applicants believe that the claims, as previously presented, clearly distinguish from the cited references, the independent claim 44 has now been amended to make it clear that the phrase **single, integrated device housing** does not encompass the "clamshell" designs, such as Uchikura and Siitonen. Moreover, the claim has been amended to clarify that the QWERTY keyboard is positioned entirely within the front surface of the single, integrated device housing.

In the Background section of this application applicants discussed a known mobile communication device referred to as the "clamshell." In the clamshell design, two hinged housing sections are physically moved with respect to one another in order to operate the device. In a closed position, the housing sections cover one or more of the display, keypad, speaker and microphone, such that one or more device functions cannot be used without first moving the device housing sections relative to each other to expose certain components. The clamshell design is not convenient for the user, who must continuously open and close the hinged sections in order to operate the device, but is also difficult to manufacture, and is prone to breakage at the hinge mechanism. Applicants distinguished over these prior art "clamshell" designs by the use of the claim phrase **single, integrated device housing**. (See, Specification, page 2, line 9 through page 3, line 15; and page 17, line 18 through page 18, line 12)

Both Uchikura and Siitonen describe a "clamshell" design. Neither of these references disclose a **single, integrated device housing**. See, for example, Figures 1 and 3 of Uchikura, set forth below, where the device is used as a phone with the top portion (2) closed, and may be used as a data input device with the top portion (2) open.



**FIG. 1**



**FIG. 3**

In addition, in the "summary of the invention" section of Uchikura, the invention is described as including: "a plurality of telephone operation keys provided on an outer surface of an openable/closeable member; a case body to which said openable/closeable member is pivotally journaled; and a plurality of electronic notebook operation keys provided at a rear surface of said openable/closeable member..." (Uchikura, 2:13-20)

Clearly, Uchikura does not disclose a **single, integrated device housing that does not include two or more hinged housing sections** as set forth in amended claim 44. Rather, as shown in Figures 1 and 3, above, Uchikura discloses a "clamshell" design with two hinged housing sections, not a single, integrated device housing. Moreover, Uchikura does not disclose a QWERTY keyboard that is **positioned within a front surface of the single, integrated device housing**. Rather, as shown in Figure 3, Uchikura discloses some type of keyboard that is half

Similar to Uchikura, Siitonen is also limited to a "clamshell" device, as shown in Figures 2A/2B, set forth below.



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disclose positioning the QWERTY keyboard in the front face of the housing, and it does not disclose a device that can be used in both voice and data modes without reorientation.

In conclusion, neither Uchikura or Siitonen discloses all of the limitations of amended claim 44 and thus the claim is distinguishable from these two references under 35 USC 103. The rejections must be withdrawn.

The remaining claims (45-93) depend from claim 44 and thus are also allowable over Uchikura and Siitonen for the same reasons as noted above. Please note, however, that there are many, many additional elements and limitations in claims 45-93 that are not present in either of these references and therefore the dependent claims are independently distinguishable from these two references.

B. Double Patenting Rejection

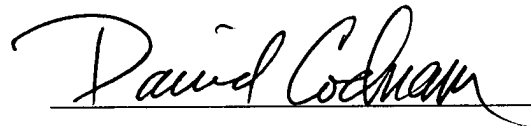
Applicants respectfully traverse the obviousness-type double patenting rejection set forth in the office action. The Examiner's conclusion that the claims of the present application and the claims of the assignee's prior patents US 6,278,442 and US 6,452,588 are substantially similar is wrong.

Claim 44 of this application is directed to a **dual mode mobile communication device** having two modes of operation, a voice mode and a data mode. The claim further recites two interfaces, a voice communication interface and a data communication interface. The claim further recites that the device includes a **single, integrated device housing** in which both voice and data interfaces are configured. The claims of US 6,278,442 and US 6,452,588 are not restricted to a dual mode device. Rather, the claims are directed primarily to various keyboard configurations for use in a data communication device. There is no mention in those claims of

any voice communication interface. Thus, the claims of the present application and those of US 6,278,442 and 6,452,588 are not substantially similar. In fact, the claims are directed to different subject matter altogether. Thus, the obviousness-type double patenting rejection is faulty and should be withdrawn.

Respectfully submitted,

JONES DAY

A handwritten signature in black ink, reading "David Cochran", written over a horizontal line.

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